

**REMARKS**

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**I. Amendments**

Applicants have submitted a substitute Abstract to correct a grammatical error.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 42-45, 49, 58-60 and 62 are currently amended to advance prosecution of the application. In particular, claim 42 has been amended to recite “incorporating a full-length HCV p7 protein into a membrane to create an HCV p7-containing membrane” and “contacting the HCV p7 protein with a test compound.” Claim 58 has been amended to recite “incorporating a biotinylated full-length HCV p7 protein into a membrane to create an HCV p7-containing membrane” and “contacting the HCV p7 protein with a test compound.” These amendments do not add new matter and entry thereof is respectfully requested.

After amending the claims as set forth above, claims 42-45, 47, 49-55, and 58-66 are now pending in this application.

**II. Claim Rejections – 35 U.S.C. § 112, first paragraph**

The claims stand rejected under 35 U.S.C. § 112, first paragraph, allegedly “because undue experimentation would be required to practice the claims.” Reconsideration and withdrawal of the rejections are requested in view of the foregoing amendments and for the following reasons.

Claims 42, 45, 47, 49-55, 58, and 60-66 stand rejected under 35 U.S.C. § 112, first paragraph, allegedly because “the specification does not teach that BVDV p7 can function as

a screening agent for HCV p7 inhibitors.” As amended, claims 42, 45, 47, and 49-55 recite “incorporating a full-length *HCV* p7 protein into a membrane to create an *HCV* p7-containing membrane.” Claims 58 and 60-66 recite “incorporating a biotinylated full-length *HCV* p7 protein into a membrane to create an *HCV* p7-containing membrane.”

Claims 42-45, 47, 50-55, 58-61 and 63-66 stand rejected under 35 U.S.C. § 112, first paragraph, allegedly because the language of the claims “provides that the test compound may be contacted with only the membrane and not the p7 protein itself.” As amended, the claims recite “contacting *the HCV p7 protein* with a test compound.”

In addition, claims 42, 43, 45, 47, 49-55, 58 and 60-66 were rejected under 35 U.S.C. § 112, first paragraph, allegedly because the claims “read on screening for HCV p7 inhibitors by contacting a candidate compound with a portion of, or modified, p7 protein.” As amended, claims 42, 43, 45, 47, and 49-55 recite “incorporating a *full-length* HCV p7 protein into a membrane to create an HCV p7-containing membrane.” Claims 58 and 60-66 recite “incorporating a biotinylated *full-length* HCV p7 protein into a membrane to create an HCV p7-containing membrane.”

For these reasons, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, for lack of enablement are requested.

### **III. Finality of Rejection**

The present Office Action has been made final. However, the rejections of claims 42-45, 47 and 49-55 in the present Office Action could have been presented in the non-final Office Action dated November 3, 2005 and were not necessitated by Applicants’ amendment dated December 6, 2005. Had the rejections been presented in the previous non-final Office Action, Applicants would have considered the rejection when presenting new claims 58-66.

As such, reconsideration and withdrawal of the finality of the present Office Action is requested.

**IV. Conclusion**

The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP  
Customer Number: 22428

By M. S. McBride

M. Scott McBride  
Attorney for Applicants  
Registration No. 52,008  
Telephone: (414) 297-5529  
Facsimile: (414) 297-4900